

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 6
Mtg. Date September 15, 2015
Dept. Development Services

Item Title: **Ordinance No. 432 – Solar Permitting Efficiency Act Ordinance**

Staff Contact: [Carol Dick, Development Services Director]

Recommendation:

Conduct second reading by title and adopt Ordinance No. 432 (**Attachment A**), adopting the Solar Permitting Efficiency Act Ordinance (**Attachment B**).

Item Summary:

The Solar Permitting Efficiency Act requires California cities and counties to adopt an ordinance that creates an expedited solar permitting process by September 30, 2015. The Act requires cities and counties to substantially conform their streamlined permitting process to the recommendations contained in the current version of Spring 2015 Second Edition of the Solar Permitting Guide Book which lays out a standardized and streamlined permitting process for small residential photovoltaic (PV) and solar water heating systems (SWH) that can be adopted with minor changes to reflect local conditions. On September 1, 2015 the City Council introduced and conducted the first reading of Ordinance 432.

Fiscal Impact:

None

Environmental Review:

- | | |
|--------------------------------------------------------------------------|---------------------------------------------------------|
| <input type="checkbox"/> Not subject to review | <input type="checkbox"/> Negative Declaration |
| <input checked="" type="checkbox"/> Categorical Exemption, Section 15308 | <input type="checkbox"/> Mitigated Negative Declaration |

Public Information:

- | | | |
|--------------------------------------------------------------|-----------------------------------------------|-------------------------------------------------------------------|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> Newsletter article | <input type="checkbox"/> Notice to property owners within 300 ft. |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting | |

Attachments:

- A. Ordinance No. 432 – Solar Permitting Efficiency Act
- B. Chapter 15.33 - Small Residential Rooftop Solar Systems

ORDINANCE 432

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA ADDING CHAPTER 15-33 TO THE LEMON GROVE MUNICIPAL CODE TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

WHEREAS, the City Council of the City of Lemon Grove seeks to implement AB 2188 (Chapter 521, Statutes 2014) through the creation of an expedited, streamlined permitting process for small residential rooftop solar energy systems; and

WHEREAS, the City Council wishes to advance the use of solar energy by all of its citizens, businesses and industries; and

WHEREAS, solar energy creates local jobs and economic opportunity; and

WHEREAS, the City Council recognizes that rooftop solar energy provides reliable energy and pricing for its residents and businesses; and

WHEREAS, it is in the interest of the health, welfare and safety of the people of the City of Lemon Grove to provide an expedited permitting process to assure the effective deployment of solar technology; and

WHEREAS, Subsection (a) of Section 65850.5 of the California Government Code provides that it is the policy of the State to promote and encourage the installation and use of solar energy systems by limiting obstacles to their use and by minimizing the permitting costs of such systems; and

WHEREAS, Subdivision (g)(1) of Section 65850.5 of the California Government Code provides that, on or before September 30, 2015, every city, county, or city and county shall adopt an ordinance, consistent with the goals and intent of subdivision (a) of Section 65850.5, that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.

NOW, THEREFORE, the City Council of the City of Lemon Grove hereby ordains as follows:

SECTION ONE:

Chapter 15.33, SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS, establishing an expedited, streamlined permitting process for Small Residential Rooftop Solar Systems, is hereby added to the City of Lemon Grove Municipal Code to read as shown in Exhibit A.

SECTION TWO:

ENVIRONMENTAL FINDING. The City Council finds in its independent judgment that the proposed amendment to the Municipal Code is exempt from environmental review as per Section 15308 of the California Environmental Quality Act (CEQA) Guidelines, which exempts actions taken by regulatory agency for protection of the environment where the regulatory process provides procedures for protection of the environment.

Attachment A

None of the exceptions in CEQA Guidelines Section 15300.2 exist. Notwithstanding the exemption as per Section 15308, the City Council further finds that there is no possibility that the activity may have a significant effect on the environment; therefore pursuant to Section 15061(b)(3) of the CEQA Guidelines the activity is exempt from the provisions of CEQA.

INTRODUCED by the City Council on September 1, 2015. **PASSED AND ADOPTED** by the City Council of the City of Lemon Grove, State of California, on September 15, 2015.

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CHAPTER 15.33

SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

15.33.010 Purpose. The purpose of this chapter is to provide an expedited, streamlined solar permitting process that complies with the Solar Rights Act and AB 2188 (Chapter 521, Statutes 2014, California Government Code Section 65850.5) in order to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This chapter encourages the use of solar systems by removing unreasonable barriers, minimizing costs to property owners and the city and facilitating property owners to install solar energy systems. This chapter allows the city to achieve those goals while protecting the public health and safety.

15.33.020 Definitions

The following definitions shall apply to this chapter:

A. "Electronic submittal" means the utilization of one or more of the following:

1. e-mail
2. the internet
3. facsimile.

B. "Small residential rooftop solar energy system" means all of the following:

1. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.
2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City and paragraph (iii) of subdivision (c) of Section 714 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.
3. A solar energy system that is installed on a single or duplex family dwelling.
4. A solar panel or module array that does not exceed the maximum legal building height as defined by the City of Lemon Grove.

C. "Solar energy system" has the same meaning set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.

D. "Eligibility Checklist" means the submittal checklist required by the City of Lemon Grove to be submitted with the small residential rooftop solar energy system demonstrating compliance.

E. "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

F. "Reasonable restrictions" on a solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.

Attachment B

G. “Restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance” means:

1. For Water Heater Systems or Solar Swimming Pool Heating Systems: an amount exceeding 10 percent of the cost of the system, but in no case more than one thousand dollars (\$1,000), or decreasing the efficiency of the solar energy system by an amount exceeding 10 percent, as originally specified and proposed.

2. For Photovoltaic Systems: an amount not to exceed one thousand dollars (\$1,000) over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding 10 percent as originally specified and proposed.

15.33.030 Applicability

A. This chapter applies to the permitting of all small residential rooftop solar energy systems in the city.

B. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of the ordinance codified in this chapter are not subject to the requirements of this chapter unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit.

15.33.040 Solar Energy System Requirements

A. All solar energy systems shall meet applicable health and safety standards and requirements imposed by the state and the City.

B. Solar energy systems for heating water in single- family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Code.

C. Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

15.33.050 Applications and Documents

A. All documents required for the submission of an expedited solar energy system application shall be made available on the City website.

B. Electronic submittal of the required permit application and documents by email, fax, or the Internet shall be made available to all small residential rooftop solar energy system permit applicants.

C. The Planning and Building Department shall adopt an eligibility checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review.

Attachment B

D. Prior to submitting an application, the applicant shall:

1. Verify to the applicant's reasonable satisfaction through the use of standard engineering evaluation techniques that the support structure for the small residential rooftop solar energy system is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the system to the building foundation; and

2. At the applicant's cost, verify to the applicant's reasonable satisfaction using standard electrical inspection techniques that the existing electrical system including existing line, load, ground and bonding wiring as well as main panel and subpanel sizes are adequately sized, based on the existing electrical system's current use, to carry all new photovoltaic electrical loads.

E. The permit application and associated documentation may be submitted to the Building Division in person, by mail, or by electronic submittal together with required permit processing and inspection fees. In the case of electronic submittal, the electronic signature of the applicant on all forms, applications, and other documents may be used in lieu of a wet signature.

F. The small residential rooftop solar system permit process and eligibility checklist shall substantially conform to recommendations for expedited permitting contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research.

15.33.060 Permit Review and Inspection Requirements

A. The Planning and Building Department shall implement an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems.

B. Review of the application shall be limited to the Chief Building Official's review of whether the application meets local, State, and Federal health and safety requirements.

C. If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.

D. If an application is not denied in writing within 45 days from the date of receipt of the application, the application shall be deemed approved, unless that delay is the result of a reasonable request for additional information.

E. Upon confirmation by the building official of the application and supporting documentation being complete and meeting the requirements of the eligibility checklist, the building official shall administratively approve the application and issue all required permits or authorizations. Such approval does not authorize an applicant to connect the small residential rooftop energy system to the local utility provider's electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility provider.

F. The Chief Building Official may require an applicant to apply for a Minor Use Permit if the official finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. Such decisions may be appealed to the city Planning Commission. If a Minor Use Permit is required, the city may deny such application if it makes written findings based upon substantive

Attachment B

evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid, as defined, the adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. Such decisions may be appealed to the city Planning Commission.

G. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.

H. "A feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the City on another similarly situated application in a prior successful application for a permit. The City shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the California Civil Code defining restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance.

I. Only one inspection shall be required and performed by the Building Division, and may include a consolidated inspection with the Fire Marshall, for small residential rooftop solar energy systems eligible for expedited review.

J. The inspection shall be done in a timely manner and should include consolidated inspections.

K. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized; however the subsequent inspection need not conform to the requirements of this section.